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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,252	07/18/2003	Richard C. Bengston	1601-001	3274
7590	04/28/2005		EXAMINER	
Lawson & Persson, P.C. Suite 103 67 Water Street Laconia, NH 03246			ROSS, DANA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/622,252

Applicant(s)

BENGSTON ET AL.

Examiner

Dana Ross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 9-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 3 March 2005.

Applicant asserts in the response that the combination includes each and every limitation of the subcombination. Applicant is referred to the previous office action which details the restriction requirement. However, to help clarify the differences between the combination and subcombination, Applicant is referred specifically to claim 6 of the subcombination (claims 1-8) which limits the subcombination to pins “dimensioned to grip an inside diameter of a bore”, in contrast to the combination (claims 9-16) which has no limitation for the subcombination to be “dimensioned to grip an inside diameter of a bore”.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 4,828,276 (Link et al., hereafter ‘276).

‘276 teaches a device for handling the inside diameter of a bore (fig. 3) with a base 10 with an opening (fig. 2) and a housing and cover (fig. 2, see area above base 10); pivot lever 12 and clamping levers 20 extending from the base with gear wheels 16, 24 and 28 providing

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rotation between the clamping and pivot levers (col. 4, lines 39-56); three posts equidistant from a center reference point extending from the base with clamping portions 32 (col. 5, lines 22-24); drive gear wheel 11 which synchronously pivots levers 12 (col. 5, lines 2-6); the use of a common drive means with shaft 64 and worm segments 82 and 82' (fig. 6, col. 6, lines 29-41).

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 5,509,336 (Biagiotti, hereafter '336).

'336 teaches a holding device for a log of paper with a base 11, at least three posts 17, at least three followers 27 with gripping portions 29, links 33 or 39, actuator 49 (fig. 1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over '276.

'276 teaches all aspects of claim 4.

'276 teaches that "varying distances to be covered by the clamping elements may be compensated for in that the lever arms of the pivot levers and clamping levers are selected to be of varying lengths." (col. 7, lines 8-14).

'276 is silent as to the pins being "removably attached to each of said followers".

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the "pins" removably attached since it has been held that

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constructing a formerly integral structure in various elements involves only routine skill in the art.

***Allowable Subject Matter***

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The closest prior art of record is '336 as is discussed in the above claim 1 rejection. '336 teaches the actuator 49 comprises a nut 59 and threaded fastener 57 (col. 4, lines 48-55). The actuator has a lever 43 attached to a clamping element 27.

'336 does not disclose the nut rotationally attached to one of the linkages.

Therefore '336 does not anticipate the claimed invention of dependent claim 2.

Furthermore, there is no prior art, either alone or in combination with '336 that would render obvious the claimed invention wherein combination of the limitations of independent claim 1 with the actuator as claimed including a nut rotationally attached to one of the linkages and a threaded fastener disposed in communication with the nut.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
dmr



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